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| EXAMINER | |
|---|---|
| ILUYOMADE, IFEDAYO B | |
| ART UNIT | PAPER NUMBER |
| 2627 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/597,863 | NAGAR ET AL. | |
| | Examiner | Art Unit | |
| | IFEDAYO ILUYOMADE | 2627 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *17 November 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. The amendment filed on 11/17/2010 has been entered. Claim 8 has been amended. Claims 1 - 8 pending.

### *Response to Arguments*

Applicant's arguments with respect to claims 1 - 8 have been considered but are moot in view of the new ground(s) of rejection.

2. The objection to the abstract is withdrawn due to the amendment received.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims **1, 6, and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Takano (US Patent No. 5448728).

5. Regarding Claims **1 and 8**, Takano discloses:

- Receiving a write request which specifies at least data for a file to be written, (refer to fig. 1 and column 5, lines 40. Describes CPU processes the data read from a scanner connected to the CPU, the control circuit and the memory through an I/F (interface) circuit, controls the writing and the reading of a write-many read-once storage device).
- Instructing the drive apparatus to read metadata for managing the file from a location in the write-once disc, so as to obtain the metadata, (refer to fig. 11 and

column 10, lines 11- 20. Describes a management table , which has a proper size and extends from a head block to a proper block of the optical disk, contains a start block location and an initial value "0" of a size (or a last block location) of each file A or B. This makes it possible to search non-writing location).

- Querying a next writable address indicating a location at which data is to be written next to the drive apparatus, so as to obtain the next writable address, (refer to fig. 11. Depicts querying a next writable address).
- Updating the metadata to reflect the writing of the data specified by the write request, (refer to fig. 11 and column 10, line 18. Describes each data of the files A and B is written on the data area and the management table is updated. Then, the updated data of the files A and B are written on the data area in an updating sequence as the management table is kept updated).
- Instructing the drive apparatus to write the data specified by the write request to a location indicated by the next writable address in the write-once disc, (refer to fig. 11 and column 10, lines 20. Describes the updated data of the files A and B are written on the data area in an updating sequence as the management table is kept updated).
- Instructing the drive apparatus to write at least a part of the updated metadata to the location from which the metadata is read in the step (b) in the write-once disc, (refer to fig. 11 and column 10, line 11. Describes initial version 20a updating 20b and 20c, management table 20, which has a proper size and extends from a

head block to a proper block of the optical disk, is located in a predetermined management area preceding the data area).

6. Regarding Claim **6**, Takano discloses:

- The system controller comprising a controller, (refer to fig. 1 and column 5, line 40. Describes CPU processes the data read from a scanner connected to the CPU, the control circuit and the memory through an I/F (interface) circuit, controls the writing and the reading of a write-many read-once storage device ).
- Receiving a write request which specifies at least data for a file to be written, (refer to fig. 1 and column 5, lines 40. Describes CPU processes the data read from a scanner connected to the CPU, the control circuit and the memory through an I/F (interface) circuit, controls the writing and the reading of a write-many read-once storage device).
- Instructing the drive apparatus to read metadata for managing the file from a location in the write-once disc, so as to obtain the metadata, (refer to fig. 11 and column 10, lines 11- 20. Describes a management table, which has a proper size and extends from a head block to a proper block of the optical disk, contains a start block location and an initial value "0" of a size (or a last block location) of each file A or B. This makes it possible to search non-writing location).
- Querying a next writable address indicating a location at which data is to be written next to the drive apparatus, so as to obtain the next writable address, (refer to fig. 11. Depicts querying a next writable address).

- Updating the metadata to reflect the writing of the data specified by the write request, (refer to fig. 11 and column 10, line 18. Describes each data of the files A and B is written on the data area and the management table is updated. Then, the updated data of the files A and B are written on the data area in an updating sequence as the management table is kept updated).
- Instructing the drive apparatus to write the data specified by the write request to a location indicated by the next writable address in the write-once disc, (refer to fig. 11 and column 10, lines 20. Describes the updated data of the files A and B are written on the data area in an updating sequence as the management table is kept updated).
- Instructing the drive apparatus to write at least a part of the updated metadata to the location from which the metadata is read in the step (b) in the write-once disc, (refer to fig. 11 and column 10, line 11. Describes initial version 20a updating 20b and 20c, management table 20, which has a proper size and extends from a head block to a proper block of the optical disk, is located in a predetermined management area preceding the data area).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims **2 - 5 and 7** rejected under 35 U.S.C. 103(a) as being unpatentable over Takano (US Patent No. 5448728).

9. Regarding Claim **2**, Takano discloses:

- Wherein the steps (e) and (f) are performed using the same write instruction, (refer to fig. 11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to try choosing from a finite number of identified and predictable potential solutions since a person of ordinary skill would have a good reason to pursue the known options within his or her technical grasp. If it leads to an anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

10. Regarding Claim **3**, Takano discloses:

- Wherein the step (f) is performed after the step (e) is performed, (refer to fig. 11 and column 10, line 18. Describes that each data of the files A and B is written on the data area and the management table 20 is updated).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to try choosing from a finite number of identified and predictable potential solutions since a person of ordinary skill would have a good reason to pursue the known options within his or her technical grasp. If it leads to an anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

11. Regarding Claim **4**, Takano discloses:

- Wherein the updated metadata includes a file entry of a directory under which the file is recorded, (refer to fig. 11 and column 10, line 18. Describes that each data

of the files A and B is written on the data area and the management table 20 is updated)

It has been held that a claim is anticipated if each element of the claim is found, either expressly described or under principles of inherency, in a single prior art reference, or that the claimed invention was previously known or embodied in a single prior art device or practice. Kalman v. Kimberly-Clark Corp., 218 USPQ 789.

12. Regarding Claim **5**, Takano discloses:

- Wherein the updated metadata includes a file entry of the file, (refer to fig. 11 and column 10, line 15. Describes a management table, which has a proper size and extends from a head block to a proper block of the optical disk, contains a start block location and an initial value "0" of a size (or a last block location) of each file A or B).

13. Regarding Claim **7**, Takano discloses:

- Wherein the controller includes a semiconductor integrated circuit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to includes a semiconductor integrated circuit since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IFEDAYO ILUYOMADE whose telephone number is (571)270-7118. The examiner can normally be reached on Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph Haley/
Primary Examiner, Art Unit 2627

/I. I./
Examiner, Art Unit 2627
01/26/2011